

Nadler: GOP Continues to Attack Women and Interfere with Private Medical Choices instead of Creating Jobs for Americans

Thursday, 03 March 2011

WASHINGTON, D.C. - Today, Congressman Jerrold Nadler (D-NY), the top Democrat on the Judiciary Subcommittee on the Constitution, spoke in fierce opposition to H.R. 3, the so-called No Taxpayer Funding for Abortion Act, during a Judiciary Committee markup of that bill. H.R. 3 seeks to impose unprecedented tax penalties on any woman who uses her own money to pay for an abortion, or for insurance coverage that includes abortion services. This penalty for a lawful and constitutionally-protected health care choice would harm women and their families, as well as businesses that help subsidize their employees' insurance coverage.

This is "an unprecedented attack on women, families, and their rights under the Constitution," said Nadler. "Let's not pretend this is about government funding …. I just want to express my fervent hope that anyone who fought to preserve huge tax cuts for the wealthiest 2% of the nation, and then worked to cut funding for hungry children, for prenatal care, for home energy assistance for the poor, and for other programs that go straight to helping the most vulnerable in society, will at least have the good taste to spare us any lectures about the importance of preserving innocent life, or caring about children. It is not true that, as this pattern of advocacy suggests, life begins at conception and ends at birth."

The following is the text of Nadler's opening statement:

"Today we consider legislation concerning what may be the most difficult and divisive issue we will have the opportunity to consider. A woman's right to make her own decisions about her own body, whether to become pregnant, whether to continue a pregnancy, or whether to terminate it, has long been a right protected by the Constitution. Whether or not you think that is a good idea, or a fair reading of the Constitution, it remains the law of the land.

"Recently, a spokesman for Speaker Boehner said, 'While Americans want Washington to focus on creating jobs and cutting spending, the President will have to explain why he thinks now is the appropriate time to stir up a controversial issue that sharply divides the nation.' Perhaps my Republican friends can explain this one.

"Congress has, for more than three decades, used economic coercion to try to prevent women from exercising that constitutionally protected choice by prohibiting use of federal funds for abortions - the only legal health care procedure subject to such a ban. Until now, that coercion was directed against the poor, and against women dependent on the government for health care. Now middle class families and businesses that pay for their own health care are being targeted.

"All the rhetoric about 'public funding' is a smokescreen. The real purpose and effect of the bill is to make it virtually impossible to buy health care insurance that covers abortions with private money - to drive those policies out of the private market.

"Before we begin, I just want to express my fervent hope that anyone who fought to preserve huge tax cuts for the wealthiest 2% of the nation, and then worked to cut funding for hungry children, for prenatal care, for home energy assistance for the poor, and for other programs that go straight to helping the most vulnerable in society, will at least have the good taste to spare us any lectures about the importance of preserving innocent life, or caring about children. It is not true that, as this pattern of advocacy suggests, life begins at conception and ends at birth.

"The No Taxpayer Funding for Abortion Act is really misnamed because it goes well beyond the limits of taxpayer

funding and places government in the middle of private choices by families and businesses about how they wish to spend their own health care dollars. This legislation represents an entirely new front in the war on women and their families.

"After two years of hearing my Republican colleagues complain that government should not meddle in the private insurance market, or in private health care choices, I was stunned to see legislation so obviously designed to do just that. It seems that many Republicans believe in freedom provided no one uses that freedom in a way that Republicans find objectionable. It is a strange understanding of freedom.

"Even more stunning, this bill contains huge tax increases on families, businesses, and the self-employed if they spend their own money - let me repeat that: their own money - on abortion coverage or services. The power to tax is the power to destroy, and, here, the taxing power is being used to destroy the right of every American to make private health care decisions free from government interference.

"I am equally surprised to find out that my Republican colleagues think that a tax exemption or credit is a form of government funding. What happened to all the rhetoric about it being 'our money?' Or does that only apply in certain circumstances? Will we now have to judge every tax exemption or credit as a form of government funding for the recipient?

"I'm sure that there will be many businesses, charities, and religious denominations that will be alarmed to find this out.

"If a tax exemption, deduction, or credit is government funding - if tax-advantaged private spending is government funding - the entire premise of this bill - then your tax deductible charitable contribution to your church, synagogue, or other religious institution is also government funding - government funding prohibited by the Establishment Clause of the First Amendment.

"The logic is inexorable. Either tax exemptions, or deductions, or credits for private spending are government funding, or they are not. If they are - the premise of this bill, then tax deductible private contributions to religious institutions are government funding prohibited by the Constitution. If they are not, this bill makes no sense. You can't have it both ways.

"I also join many other Americans in being absolutely horrified that the sponsors of this bill seem not to know what rape and incest are.

"Rape, according to this legislation, is only 'forcible' rape. Date rape drugs, sex with minors, with the mentally impaired are - at least according to the sponsors of this bill - not really rape anymore. Incest is no longer incest. Instead, it is now 'incest with a minor,' which means - I guess - that incest with a high school senior doesn't count.

"It was not until our hearing that the mystery was cleared up. Richard Doerflinger, testifying for the U.S. Conference of Catholic Bishops said that the language was 'simply an effort on the part of the sponsors to prevent the opening of a very broad loophole for federally funded abortions for any teenager.'

"I hope that everyone appreciates just how extreme a view that is, and what it says about the mindset of the

sponsors. What he is saying, and what I guess the sponsors meant, is that minors - the victims of sexual molestation - should be required to bear the children of the people who victimize them.

"I think some of the members of this Committee who were so outraged at the thought that Planned Parenthood might not have called the cops on a person claiming to be involved in child sexual exploitation (it turns out they did call the cops and the FBI - but that's a separate discussion) should now be anxious to victimize those children a second time.

"Have the extremes really taken such a hold on this debate that we can't even agree to help children and teenagers who are the victims of predators? Is there no compassion left in this Capitol? I am pleased that public pressure has caused the sponsors to reconsider their extreme position, and that we will have the opportunity to remove those outrageous provisions.

"I hope that every single member of this Committee who is a cosponsor of the legislation will join the rest of us in voting for that amendment.

"There is also a provision in this bill that would allow any health care provider or institution to refuse to provide an abortion to a woman whose life is in imminent peril. They could let that woman die right there in the emergency room and the government would be powerless to do anything. In fact, if the government insisted that the hospital not let the woman die, section 311 of the bill would allow the hospital to sue the government and, in the case of a state or locality, strip that community of all federal funding until the jurisdiction relented.

"That's the new definition of 'pro-life'?"

"So, Mr. Chairman, let's start off on the right foot: the No Taxpayer Funding of Abortion Act is not really about taxpayer funding, it's about government interfering with private health care decisions paid for with private funds. It is not about protecting the innocent, it is about creating appalling, even life threatening situations, for women. It is a tax increase of historic proportions. Finally, if passed, it would eliminate the private market for abortion coverage. It would make it virtually impossible to get private insurance that covers abortion. And that's the real purpose of the bill

"The sponsor of this legislation, the Gentleman from New Jersey, has been very clear about his purpose. When he introduced this bill, he cited a study by the Guttmacher Institute that showed a decline in the rate of abortions of approximately 25% when funding is cut off.

"What that proves is that economic coercion works, and the sponsor has made crystal clear that the unashamed purpose of this bill is to use economic coercion to prevent women and families from exercising their Constitutional right. This bill takes that to a whole new level by going after the private insurance and health care markets.

"It is an unprecedented attack on women, families, and their rights under the Constitution. Let's not pretend this is about government funding."

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